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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,225	09/18/2003	Arihiro Takeda	1117.68336	6264

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Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER

DUONG, THOI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,225

Applicant(s)

TAKEDA ET AL.

Examiner

Thoi V. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16 ~~is~~/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15 and 16 ~~is~~/are rejected.
- 7) ☒ Claim(s) 14 ~~is~~/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/047,216.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the response filed February 23, 2006.

Claims 1-12 and 17-33 were cancelled and claims 13-16 are currently pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawasaki et al. (Sawasaki, US 6,836,308 B2).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Re claim 13, as shown in Figs. 2-5, 20, 2A and 21B, Sawasaki discloses a liquid crystal display device comprising:

- a first substrate 4 (array substrate) having thereon a pixel electrode 10 and an active element TFT 20 (col. 7, lines 20-22 and col. 8, lines 18-21);

- a second substrate 6 (CF substrate) having thereon an opposed electrode 12 (common electrode) (col. 7, lines 25-32);

- a liquid crystal layer LC interposed between said first and second substrates with said electrodes facing each other (col. 8, lines 33-43); and

- a first orientation control element 2 extending in a nonparallel direction relative to an extending direction of an edge (vertical edge) of said pixel electrode 10 and a second orientation control element 16 extending from said first orientation element 2 in a parallel direction relative to an extending direction of said edge provided on said second substrate 6 (col. 7, lines 6-14 and 32-37; and col. 13, lines 1-23),

- wherein said second orientation control element 16 has a constant width, and said width is smaller than a width of said first orientation control element 2 (col. 7, line 63 through col. 8, line 7; col. 10, lines 27-32; and col. 13, lines 1-23).

Re claim 15, Sawasaki discloses that said first and second orientation control elements 2 and 16 are protrusions formed on said opposed electrode 12 (col. 7, lines 32-35).

Re claim 16, Sawasaki discloses that a dielectric anisotropy of said liquid crystal molecules of said liquid crystal layer is negative (col. 8, lines 34-37).

Allowable Subject Matter

5. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly suggests or shows all of the limitations as claimed.

Specifically, re claim 14, none of the prior art of record discloses, in combination with other limitations as claimed, at least one of the first and second orientation control elements is a slit formed in said pixel electrode or said opposed electrode.

The most relevant reference, US 6,836,308 B2 to Sawasaki et al. (Sawasaki), fails to disclose or suggest the claimed invention. As shown in Figs. 20, 21A and 21B, Sawasaki discloses a first orientation control element 2 extending in a nonparallel direction relative to an extending direction of an edge (vertical edge) of the pixel electrode 10 and a second orientation control element 16 extending from said first orientation element 2 in a parallel direction relative to an extending direction of said edge provided on the second substrate 6, wherein said second orientation control element 16 has a constant width, and said width is smaller than a width of said first

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orientation control element 2. However, the first and second orientation control elements 2 and 16 are protrusions formed in the opposed electrode 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms, can be reached at (571) 272-1787.

Thoi V. Duong

05/06/2006

A handwritten signature in black ink, appearing to read 'Thoi V. Duong', is written over the printed name and date.